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Working Profile: John L. Martin

Growing Success on the Tangled Trail of Spies

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Special to The New York Times

WASHINGTON, Dec. 25 — The office is nondescript, furnished with strictly Government-issue furniture and tucked away in the corner of a building with corridors of faded institutional green.

A hollow ring jangles from a breadbasket-size contraption designed to scramble telephone conversations and frustrate prying ears. "Excuse me," said John L. Martin, the Government's chief prosecutor of spies, "I have to answer my shoe."

In fact, there is little about Mr. Martin's office that suggests the trappings of high-technology espionage. But in recent years Mr. Martin and his deputies at the Justice Department have rocked intelligence services around the world using tools of the legal trade.

Mr. Martin is chief of the internal security section. This year alone, United States attorneys working under his supervision have brought cases against such disparate people as John A. Walker Jr., a retired Navy chief warrant officer; Larry Wu-Tai Chin, a 30-year veteran of the Central Intelligence Agency, and Jonathan Jay Pollard, a Navy analyst accused of spying for the Israelis.

'They're Really Pathetic'

Just last week Mr. Martin returned from Israel where he was part of an American team interviewing Israelis said to be involved in the Pollard case. Earlier this year he helped arrange exchanges with East Germany and Ghana in which the United States traded convicted spies for people held on similar charges.

Mr. Martin, a former agent of the Federal Bureau of Investigation who once investigated Ku Klux Klan murders in Mississippi, speaks bluntly about the recent crop of Americans arrested for spying.

"They're really pathetic," he said. "They have played a tough game, and they have lost."

Mr. Martin must be more diplomatic when he talks to other Government officials faced with the possibility that one of their employees will be charged with spying.

More than most prosecutors, Mr. Martin stands at the intersection of powerful conflicting currents.

Officials at the F.B.I., which is responsible for all domestic spy investigations, push hard to make arrests quickly, before a suspected spy can do more damage or escape. On the other hand, agencies victimized by spies are embarrassed and often hope to settle the cases quietly.

Decisions whether to prosecute a spy are made at high levels; they begin with Mr. Martin's recommendation. In the past, the intragovernmental wars over whether to prosecute — and how much classified material to use in trials — have been personally settled by the President.

"The big problem is taking the dark side of the intelligence business and putting it in the light of the courtroom," Mr. Martin said. "We're kind of the gatekeepers, and that's a big load."

Private Practice 'Rather Dull'

He says one of his most important tasks is to resolve conflicts between Government agencies before they can be exploited by defense lawyers and weaken the credibility of the prosecutors. "We don't want the kinds of games played within the bureaucracy to be played out in front of a judge or in front of a jury," he said.

Mr. Martin joined the F.B.I. in 1962 after graduating from the Syracuse University College of Law. After working as a field investigator in the South, he became a supervisor in the bureau's domestic intelligence unit. In 1968 he went into private practice as a lawyer, a job he now calls "rather dull." By 1971 he had returned to law enforcement, this time as an attorney with the Justice Department.

Mr. Martin admits to no particular fascination for espionage. His childhood in upstate New York was not illuminated by fantasies of running through foggy Eastern European capitals. And no, he was not an avid reader of spy novels.

He says that there is no ideal personality for the field of foreign counterintelligence, but that patience is a prerequisite since espionage cases tend to develop slowly. "You've got to have a very, very high frustration level," he said.

As evidenced by the comment about answering his shoe, Mr. Martin is not without a sense of irony about his work. In his office, he keeps a three-foot-tall stuffed animal. It is a wolf cloaked with sheep's fleece, complete with a red star on its forehead. The animal, he said, was a gift from prosecutors in San Francisco who won a conviction of James Durward Harper, a former Silicon Valley executive who sold military secrets to Polish intelligence agents.

There was a time when the internal security section had relatively few prosecutions. From 1967 to 1975, just five people were arrested by the Federal authorities and tried for espionage.

"We didn't turn them, we didn't try them and we didn't trade them," Mr. Martin acknowledged.

All that has changed dramatically, and in the past two years Mr. Martin has supervised cases against 25 Americans.

Mr. Martin and other Government officials attribute the sharp rise in prosecutions to several factors.

More Resources Available

They say that senior officials in the Justice Department have become increasingly willing to authorize prosecutions and that the State Department's usual opposition to spy cases as disruptive of relations with other countries has carried less weight within the Government.

Meantime, Congress has passed laws that enable the Government to keep national security secrets out of the public record at trials. And the F.B.I.'s skills at spy catching have improved, along with its resources.

Joel Lisker, now the staff director of the Senate Judiciary Subcomittee on Security and Terrorism, first met Mr. Martin in F.B.I. classes for new agents and later worked as his deputy in the internal security section.

Mr. Lisker said in the early days of the F.B.I.'s spy investigations, cases sometimes collapsed because the evidence had been improperly gathered and thus was inadmissible in court. He credited Mr. Martin with smoothing out the relationship between investigators and Federal prosecutors.

"He plays a role early on," Mr. Lisker said, "and the bureau has a lot of trust and respect for him."

Spy Exchange a Highlight

As what some have dubbed the Year of the Spy draws to a close, the scene that Mr. Martin says he remembers best involves not an investigation, an arrest nor a conviction. It was the moment last summer when 25 American agents in East German prisons were released in a spy swap after months of delicate negotiations involving the Justice Department and State Department and the East German Government.

Mr. Martin, leaning back in his chair and reliving the moment when he was part of the American team that greeted the prisoners, said:

"People were laughing, crying. It was something.

"You could see people blessing themselves, giving thumbs up. One man came up to me, grabbing my arm and saying something in Polish. I didn't understand. I said, 'Let's get back to the bus, we'll talk later.' It was a great experience."